

## Message Text

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INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

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CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

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L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

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TO SECSTATE WASHDC IMMEDIATE 8675

S E C R E T SECTION 1 OF 3 USUN 3250

FROM: LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: COMMITTEE I: U.S. DRAFT COUNCIL ARTICLE

1. U.S. DEL WILL THIS AFTERNOON DISTRIBUTED TO MEMBERS  
OF GROUP OF 5 (USSR, UK, FRANCE, AND JAPAN) AND FRG ON PRIVATE  
BASIS, DRAFT ARTICLE 27 (COMPOSITION AND VOTING IN COUNCIL)  
AND ATTACHED ANNEX. TEXT OF DRAFT ARTICLE AND ANNEX FOLLOWS:

ARTICLE 27

THE COUNCIL

1. THE COUNCIL SHALL CONSIST OF 36 MEMBERS OF THE AUTHORITY  
ELECTED BY THE ASSEMBLY, THE ELECTION TO TAKE PLACE IN THE  
FOLLOWING ORDER:

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(A) THE SIX INDUSTRIALIZED STATES WHICH HAVE MADE THE GREATEST CONTRIBUTIONS TO THE UNDER-STANDING AND EXPLORATION OF THE AREA AND THE EXPLOITATION OF ITS RESOURCES AS DEMONSTRATED BY SUBSTANTIAL INVESTMENTS OR ADVANCED TECHNOLOGY IN RELATION TO THE RESOURCES OF THE AREA, INCLUDING AT LEAST ONE EASTERN EUROPEAN STATE;

(B) THE SIX STATES WHICH ARE IN RANK ORDER THE PRINCIPAL PRODUCERS OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA AS SPECIFIED IN ANNEX ...;

(C) THE SIX STATES WHICH ARE IN RANK ORDER THE PRINCIPAL CONSUMERS OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA AS SPECIFIED IN ANNEX ....;

(D) SIX STATES FROM THE DEVELOPING COUNTRIES AT LEAST TWO BEING DRAWN FROM THE LEAST DEVELOPED COUNTRIES;

(E) TWELVE STATES ELECTED ACCORDING TO THE PRINCIPLE OF EQUITABLE GEOGRAPHIC DISTRIBUTION, TO INCLUDE AT LEAST TWO FROM EACH OF THE FOLLOWING REGIONS: AFRICA, ASIA, LATIN AMERICA, EASTERN RUOPE, WESTERN EUROPE AND OTHERS.

2. AT LEAST ONE-FOURTH OF THE MEMBERS OF THE COUNCIL SHALL BE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES.

3. IN ELECTING THE COUNCIL, THE ASSEMBLY SHALL ENSURE THAT THE MEMBERS OF THE COUNCIL, TAKEN AS A WHOLE, ACCOUNT FOR 60PERCENT OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS 60PERCENT OF THE TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA ACCOUNTED FOR BY THE MEMBERS OF THE AUTHORITY AND

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CALCULATED IN ACCORDANCE WITH ANNEX .... .

4. STATE PARTIES SHALL BE ELIGIBLE FOR ELECTION TO ONLY ONE OF THE CATEGORIES SPECIFIED IN PARAGRAPH 1 ABOVE. IN THOSE CASES WHERE A STATE PARTY IS QUALIFIED FOR ELECTION TO MORE THAN ONE CATEGORY, IT SHALL SELECT THE CATEGORY TO WHICH IT CHOOSES TO BE ELECTED.

MEMBERS SHALL BE ELIGIBLE FOR REELECTION.

5. ELECTIONS SHALL TAKE PLACE AT REGULAR SESSIONS OF THE ASSEMBLY, AND EACH MEMBER OF THE COUNCIL SHALL BE ELECTED FOR A TERM OF FOUR YEARS.

6. THE COUNCIL SHALL FUNCTION AT THE SEAT OF THE AUTHORITY, AND SHALL MEET IN CONTINUOUS SESSION, UNLESS IT DECIDES OTHERWISE.

7. BEFORE THE ELECTION OF THE COUNCIL BY THE ASSEMBLY, ANY MEMBER OF THE AUTHORITY MAY ASSIGN TO ANY OTHER MEMBERS OF ITS CHOOSING ALL OF ITS PERCENTAGE OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS ALL OF ITS PERCENTAGE OF THE TOTAL VALUE OF CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA CALCULATED IN ACCORDANCE WITH ANNEX . . . FOR THE PURPOSES OF DETERMINING THOSE MEMBERS OF THE AUTHORITY WHICH QUALIFY FOR MEMBERSHIP IN THE PRINCIPAL PRODUCER AND THE PRINCIPAL CONSUMER CATEGORIES UNDER PARAGRAPHS 1(B) AND (C) OF THIS ARTICLE, MEMBERS SHALL BE DEEMED TO ACCOUNT FOR THOSE PERCENTAGES ASSIGNED TO THEM UNDER THIS PARAGRAPH. (ASTERIK)

8. ANY MEMBER OF THE AUTHORITY NOT ELECTED TO THE COUNCIL WHO HAS NOT ASSIGNED ITS PERCENTAGES TO ANOTHER MEMBER ELECTED TO THE COUNCIL UNDER PARAGRAPH 7 ABOVE MAY ASSIGN TO ANY COUNCIL MEMBER OF ITS CHOOSING ALL OF ITS PERCENTAGE OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS ALL OF ITS PERCENTAGE OF THE TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA CALCULATED IN ACCORDANCE WITH ANNEX . . . THE VOTE OF ANY MEMBER OF THE COUNCIL SHALL BE DEEMED TO INCLUDE THE TOTAL VALUE OF PRO-

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DUCTION, AS WELL AS THE TOTAL VALUE OF CONSUMPTION, ASSIGNED TO THAT MEMBER UNDER BOTH THIS PARAGRAPH AND PARAGRAPH 7. APPROPRIATE ARRANGEMENTS SHALL BE ESTABLISHED FOR CONSULTATION BETWEEN MEMBERS OF THE COUNCIL AND THOSE STATES PARTIES WHICH HAVE ASSIGNED PERCENTAGES TO THEM. PERCENTAGES ASSIGNED UNDER THIS PARAGRAPH MAY BE WITHDRAWN, UPON THREE MONTHS NOTICE TO THE MEMBER OF THE COUNCIL TO WHICH THEY HAVE BEEN ASSIGNED, AND SUBSEQUENTLY REASSIGNED TO ANOTHER MEMBER. (ASTERIK)

9. DECISIONS ON QUESTIONS OF PROCEDURE SHALL BE MADE BY A SIMPLE MAJORITY OF THE MEMBERS PRESENT AND VOTING.

10. EXCEPT AS PROVIDED IN PARAGRAPH 11 OF THIS ARTICLE,

ALL DECISIONS ON QUESTIONS OF SUBSTANCE AND ON WHETHER A QUESTION IS ONE OF SUBSTANCE OR PROCEDURE SHALL BE MADE BY A THREE-FOURTHS MAJORITY OF THE MEMBERS OF THE COUNCIL, PROVIDED THAT SUCH MAJORITY INCLUDES AT LEAST ONE-HALF OF TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA ACCOUNTED FOR BY THE MEMBERS OF THE AUTHORITY AND CALCULATED IN ACCORDANCE WITH ANNEX ... .

11. ALL DECISIONS RELATED TO THE EXERCISE OF THE COUNCIL'S POWERS AND FUNCTIONS UNDER PARAGRAPH 2 (XI) OF ARTICLE 28, THE BUDGET OF THE AUTHORITY AND THE ASSESSMENT OF CONTRIBUTIONS OF STATES PARTIES (ARTICLES ...) AND ARTICLES .... SHALL BE MADE BY A THREE-FOURTHS MAJORITY OF THE MEMBERS OF THE COUNCIL, PROVIDED THAT SUCH MAJORITY INCLUDES AT LEAST THREE-FOURTHS OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS THREE-FOURTHS OF THE TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA ACCOUNTED FOR BY THE MEMBERS OF THE AUTHORITY AND CALCULATED IN ACCORDANCE WITH ANNEX ... .

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FROM LOS DEL

12. BEFORE ANY MATTER OF SUBSTANCE IS PUT TO A VOTE, A DETERMINATION THAT EFFORTS HAVE BEEN MADE TO REACH GENERAL AGREEMENT SHALL BE MADE BY THE MAJORITIES SPECIFIED IN PARAGRAPH 10.

13. THE COUNCIL SHALL ESTABLISH A PROCEDURE WHEREBY A MEMBER OF THE AUTHORITY NOT REPRESENTED ON THE COUNCIL MAY SEND A REPRESENTATIVE TO ATTEND A MEETING OF THE COUNCIL WHEN A REQUEST IS MADE BY SUCH MEMBER, AND A MATTER PARTICULARLY AFFECTING IT IS UNDER CONSIDERATION. SUCH A REPRESENTATIVE SHALL BE ENTITLED TO PARTICIPATE IN THE DELIBERATIONS BUT NOT TO VOTE.

ASTERIC NOTE: PROVISION SHOULD BE MADE IN THE POWERS AND FUNCTIONS OF THE SECRETARY GENERAL (ARTICLES 42-45)

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FOR MAINTAINING A RECORD OF THE ASSIGNMENTS MADE UNDER PARAGRAPHS 7 AND 8 OF THIS ARTICLE.

ANNEX

1. ONCE IN EVERY FOUR-YEAR PERIOD IMMEDIATELY BEFORE EACH ELECTION OF THE MEMBERS OF THE COUNCIL BY THE ASSEMBLY, THE COUNCIL SHALL REVIEW, AND IF NECESSARY AND UPON THE RECOMMENDATION OF THE ECONOMIC PLANNING COMMISSION REVISE, THE PERCENTAGES OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS THE PERCENTAGES OF THE TOTAL VALUE OF THE CONSUMPTION, OF THE MEMBERS OF THE AUTHORITY ASSIGNED TO STATES PARTIES IN ACCORDANCE WITH THE PROVISIONS OF THIS ANNEX.

2. (A) WITHIN SIX MONTHS OF THE END OF EACH CALENDAR YEAR, STATE PARTIES SHALL MAKE AVAILABLE TO THE ECONOMIC PLANNING COMMISSION THEIR ANNUAL CONSUMPTION AND PRODUCTION TONNAGE FIGURES FOR COBALT, COPPER, MANAGANESE AND NICKEL IN THE FORM PRESCRIBED IN PARAGRAPH 3 BELOW.  
(B) THE ECONOMIC PLANNING COMMISSION SHALL REVIEW THE REPORTED TONNAGES OF STATES PARTIES AND CONSULT WITH THEM WITH A VIEW TOWARDS ENSURING ACCURACY AND COMPLETENESS OF THE DATA. IN REVIEWING THE REPORTED TONNAGES OF STATES PARTIES, THE COMMISSION SHALL, WHERE APPROPRIATE, REFER TO OTHER INTERNATIONAL MINERALS STATISTICAL SOURCES OF WIDELY RECOGNIZED RELIABILITY.

3. ANNUAL PRODUCTION AND CONSUMPTION TONNAGE FIGURES

TO BE MADE AVAILABLE TO THE ECONOMIC PLANNING COMMISSION BY  
STATES PARTIES IN ACCORDANCE WITH PARAGRAPH 2 OF THIS ANNEX  
SHALL BE REPORTED IN THE FOLLOWING MANNER:

(A) ANNUAL TONNAGES OF COBALT PRODUCED BY STATES

PARTIES SHALL BE REPORTED SEPARATELY FOR (I) MINE PRODUCTION  
IN TERMS OF METAL CONTENT IN ORE AND (II) SMELTER

(REFINED ) METAL PRODUCTION;

(B) ANNUAL TONNAGES OF COPPER PRODUCED BY

STATES PARTIES SHALL BE REPORTED SEAPRATLEY FOR (I) MINE  
PRODUCTION, IN TERMS OF METAL CONTENT IN ORE, (II)  
SMELTER (BLISTER) PRODUCTION, AND (III) REFINED METAL

PRODUCTION;

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(C) ANNUAL TONNAGES OF MANGANESE PRODUCED BY  
STATES PARTIES SHALL BE REPORTED FOR MINE PRODUCTION IN  
TERMS OF GROSS WEIGHT OF ORE AND AVERAGE METAL CONTENT  
OF ORE;

(D) ANNUAL TANNAGES OF NICKEL PRODUCED BY

STATES PARTIES SHALL BE REPORTED SEPARATELY FOR (I) MINE  
PRODUCTION IN TERMS OF METAL CONTENT IN ORE AND (II)  
SMELTER (REFINED) PRODUCTION;

(E) ANNUAL TONNAGES OF COBALT, COPPER, MANAGANESE  
AND NICKEL CONSUMED BY STATES PARTIES SHALL BE REPORTED  
IN TERMS OF REFINED METAL CONSUMPTION.

4. NO LATER THAN THREE MONTHS BEFORE THE COMMENCE-  
MENT OF AN ASSEMBLY SESSION AT WHICH A NEW COUNCIL IS TO  
BE ELECTED, THE ECONOMIC PLANNING COMMISSION SHALL  
PREPARE AND SUBMIT TO THE COUNCIL FOR APPROVAL IN ACCO-  
RDANCE WITH PARAGRAPH 1 OF THIS ANNEX A REVISED  
SCHEDULE OF COMSUMPTION AND PRODUCTION PERCENTAGES OF  
STATES PARTIES CALCULATED IN THE FOLLOWING MANNER;

(A) THE ANNUAL PRODUCTION TONNAGES OF EACH  
STATE PARTY FOR EACH OF THE MINERAL PRODUCTS OF THE FOUR  
SEABED MINERALS SPECIFIED IN PARAGRAPH 3 SHALL BE CAL-  
CULATED AS AN AVERAGE OF THE FOUR PRECEDING YEARS(BASE  
PERIOD). THE AVERAGE ANNUAL CONSUMPTION TONNAGES OF  
EACH STATE PARTY FOR CONSUMPTION OF THE FOUR SEABED  
MINERALS SPECIFIED IN PARAGRAPH 3 SHALL BE CALCULATED ON  
THE SAME BASIS.

(B) AN AVERAGE UNIT-VALUE FOR EACH OF THE  
FOUR SEABED MINERALS DURING THE BASE PERIOD SHALL BE  
SELECTED ON THE BASIS OF INTERNATIONALLY REPORTED MARKET  
PRICES FOR THE REFINED METAL PRODUCTS SPCIFIED IN  
PARAGRAPH 3. THIS AVERAGE UNIT-VALUE SHALL BE DEEMED TO  
APPLY TO ALL THE MINERAL PRODUCTS AND TO THE CONSUMPTION  
OF THE SEABED MINERAL CONCERNED, AND THE TOTAL VALUE OF

EACH STATE PARTY'S AVERAGE ANNUAL PRODUCTION OF THE FOUR SEABED MINERALS AND AVERAGE ANNUAL CONSUMPTION OF THE FOUR SEABED MINERALS SHALL THEN BE CALCULATED SEPARATELY.

(C) THE PERCENTAGE OF THE TOTAL AVERAGE ANNUAL VALUE OF THE PRODUCTION OF THE FOUR SEABED MINERALS OF THE MEMBERS OF THE AUTHORITY ACCOUNTED FOR BY EACH STATE PARTY SHALL THEN BE DETERMINED, AS WELL AS

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ITS PERCENTAGE OF THE TOTAL VALUE OF THE CONSUMPTION OF THE FOUR SEABED MINERALS OF THE MEMBERS OF THE AUTHORITY.

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FROM LOS DEL

IF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS THE

TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF  
MINERALS TO BE DERIVED FROM THE AREA ACCOUNTED FOR BY  
ALL STATES WERE TO BE CALCULATED GENERAL IN ACCORDANCE  
WITH PARAGRAPH 4 OF THE DRAFT ANNEX ASTERIC , THE RESPECTIVE  
PRODUCTION AND CONSUMPTION PERCENTAGES MIGHT CORRESPOND  
TO THE FOLLOWING SCHEDULE:

COUNTRY PERCENT PRODUCTION

US	19.0
USSR	15.4
CANADA	9.9
JAPAN	7.9
ZAMBIA	7.7
CHILE	7.1
ZAIRE	4.8

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AUSTRALIA	2.7
FRG	2.4
SOUTH AFRICA	2.0
POLAND	1.8
CHINA	
- PEOPLE'S REPUBLIC	1.7
- REPUBLIC OF (TAIWAN)	.0
PERU	1.6
BELGIUM	1.6
YUGOSLAVIA	1.6
FRANCE	1.5
UK	.9
SPAIN	.9
MEXICO	.8

COUNTRY PERCENT CONSUMPTION

US	25.1
USSR	13.7
JAPAN	12.5
FRG	8.5
UK	6.0
FRANCE	4.9
CHINA	
- PEOPLE'S REPUBLIC	3.5
- REPUBLIC OF (TAIWAN)	.2
ITALY	3.5
CANADA	2.8
BELGIUM	1.8
SWEDEN	1.7
BRAZIL	1.5
POLAND	1.5
SPAIN	1.5

AUSTRALIA	1.3
GDR	1.2
CZECHOSLOVAKIA	.9
YUGOSLAVIA	.9
MEXICO	.7

ASTERIC NOTE: AS A SUBSTITUTE FOR PRODUCTION AND CONSUMPTION  
TONNAGE STATISTICS WHICH WOULD BE REPORTED BY

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STATES UNDER PARAGRAPH 2 OF THE DRAFT ANNEX,  
THESE PERCENTAGES ARE DERIVED FROM A COMPOSITE  
REVIEW OF MINERALS STATISTICS REPORTED IN  
RECOGNIZED INTERNATIONAL STATISTICAL SOURCES.  
THEY ARE BASED ON A THREE-YEAR AVERAGE (1972-74),  
RATHER THAN THE FOUR-YEAR AVERAGE SPECIFIED  
IN PARAGRAPH 3. FINALLY, AS A RESULT OF  
THE UNAVAILABILITY OF RELIABLE DATE ON THE  
CONSUMPTION OF MANAGANESE AND COBALT ON A  
WORLD-WIDE, COUNTRY-BY-COUNTRY BASIS, THE  
CONSUMPTION PERCENTAGES ARE BASED EXCLUSIVELY  
ON REPORTED CONSUMPTION OF COPPER AND NICKEL.

COUNTRY	PERCENT PRODUCTION
PHILIPPINES	.8
NORWAY	.7
PAPUA NEW GUINEA	.6
FINLAND	.6
SWEDEN	.6
BULGARIS	.5
CUBA	.5
ROMANIA	.4
DOMINICAN REPUBLIC	.4
GDR	.3
BRAZIL	.3
TURKEY	.3
INDONESIA	.3
NAMIBIA	.2
8,\$8-	.2
GREECE	.2
GABON	.2
NORTH KOREA	.1
AUSTRIA	.1
ALBANIA	.1
CZECHOSLOVAKIA	.1
REPUBLIC OF KOREA	.1
MAURITANIA	.1
HUNGARY	.1
UGANDA	.1
CYPRUS	.1

MOROCCO .1

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IRAN .1

OTHER .1

CONTRY PERCENT CONSUMPTION

SOUTH AFRICA .7

INDIA .6

ROMANIA .6

AUSTRIA .6

BULGARIA .5

NETHERLANDS .4

ARGENTINA .4

FINLAND .3

CHILE .3

HUNGARY .3

SWITZERLAND .3

REPUBLIC OF KOREA .2

GREECE .2

NORWAY .1

TURKEY .1

PORTUGAL .1

PERU .1

IRAN .1

EGYPT .1

DENMARK .1

SOUTHERN RHODESIA .1

OTHER .1

2. DRAFT ARTICLE AND ANNEX ARE FULLY AGREED BY U.S.  
DEL WITH EXCEPTION OF REQUIREMENT IN PARA 10 OF  
ARTICLE FOR THREE-FOURTHS MAJORITY OF MEMBERS OF  
COUNCIL FOR AFFIRMATIVE DECISIONS. SOME AGENCIES  
BELIEVE THAT, WHEN COUPLED WITH REQUIREMENT FOR 51  
PERCENT OF BOTH PRODUCTION AND CONSUMPTION VOTES TO  
PASS COUNCIL DECISIONS UNDER PARA. 10, OVERALL MEMBERSHIP  
VOTE REQUIREMENT SHOULD BE LOWER THAN THREE-FOURHTS.  
DEL HAS AGREED TO CIRCULATE ARTICLE TO GROUP OF 5 AND  
FRG WITH THREE-FOURTHS REQUIREMENT IN PARA. 10, BUT  
ALSO EXPRESSLY TO SOLICIT THESE DELEGATIONS' VIEWS  
ON THAT PARA. U.S. DEL HAS MADE NO PLANS FOR FUTHER  
CIRCULATION OF DRAFT ARTICLE TO OTHER COUNTRIES IN

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COMMITTEE I. WE INTEND TO AWAIT REACTIONS OF THESE  
FIVE, KEY INDUSTRIALIZED COUNTRIES ON ARTICLE BEFORE  
TAKEN ANY FURTHER ACTION.

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* SECRET

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**TAGS:** PLOS, UN, US  
**To:** STATE  
**Type:** TE  
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